

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	8:08CV271
	)	
Plaintiff,	)	
	)	
vs.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
THE STATE OF NEBRASKA, <i>et al.</i> ,	)	
	)	
Defendants.	)	

This case was closed after judgment was entered pursuant to a settlement agreement between the parties ([filing 10](#)). An order related to the settlement agreement states that “the undersigned retains continuing jurisdiction over this case and the parties to construe and enforce the settlement agreement.” ([Filing 9](#), at 2.)

The parties’ settlement agreement ([filing 10](#)) provides for the appointment of an independent expert “to monitor the State’s implementation of this Settlement Agreement.” The parties originally appointed John J. McGee, Ph.D., as the independent expert, and Dr. McGee served in that capacity from July 2008 to December 2009. However, on December 22, 2009, the parties filed with the court a joint notice of the resignation of Dr. McGee, effective December 31, 2009. The notice stated that the parties “have jointly selected Maria E. Laurence to assume the role of the Independent Expert in this case once Dr. McGee’s term ends.” ([Filing 48](#).)

The settlement agreement requires the expert to “submit monthly statements to the Court . . . detailing all expenses the Independent Expert incurred during the prior month.” ([Filing 10](#), at 4-5.) The agreement permits payment to consultants who assist the independent expert<sup>1</sup> and allows parties seven business days from receipt of the

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<sup>1</sup>“The cost of the Independent Expert, including the cost of any consultant to assist the Independent Expert, shall be borne by the State in this action. All reasonable expenses incurred by . . . any consultant, in the course of the performance of the duties of the Independent Expert . . . shall be reimbursed by the State.” ([Filing 10](#), at 5.)

independent expert's monthly statements to file any comments or objections regarding the statements. ([Filing 10](#), at 6.) After such comments or objections are submitted, the court is to review the matter and "order the clerk to make the appropriate payments" to the independent expert.

On July 24, 2015, independent expert Maria Laurence filed a final motion for reimbursement for professional services in the amount of **\$2,396.88** for services provided from January 1, 2015, to July 22, 2015. (Filing [117](#).) Pursuant to the parties' Joint Motion on the Independent Expert's Reimbursement Motion and Disposition of the Court Account (filing [118](#)), I shall order that payment be made to Maria Laurence for professional services in the amount requested.

Accordingly,

IT IS ORDERED:

1. The motion for reimbursement (filing [117](#)) is granted, and the Clerk of the United States District Court for the District of Nebraska shall disburse funds for the consulting services of independent expert Maria Laurence in the amount of **\$2,396.88** for services provided from January 1, 2015, to July 22, 2015.
2. Such funds shall be paid from the interest-bearing account set up by the Clerk of Court pursuant to this court's prior order ([filing 9](#)).
3. The Clerk of Court shall disburse such funds as soon as practicable; that is, on the date that the interest-bearing account has been sufficiently replenished by the defendants to allow payment of the full amount.
4. As provided in this court's prior order ([filing 9](#)), the "Clerk is authorized to deduct from any monies deposited with the Clerk a fee of 10% of the interest earned

each time funds are disbursed.”

5. The parties’ Joint Motion on the Independent Expert’s Reimbursement Motion and Disposition of the Court Account (filing [118](#)) is granted. Because this is the final disbursement to be made to independent expert Maria E. Laurence, after such final payment is made, the Clerk of Court shall return to the State of Nebraska any residual amount remaining in the court’s interest-bearing account to which the State of Nebraska is entitled and shall then close the account.

DATED this 3<sup>rd</sup> day of August, 2015.

BY THE COURT:

s/ *Richard G. Kopf*

*Richard G. Kopf*

Senior United States District Judge

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